

Fresno, California

March 11, 2003

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Jim McAllister, Harmony Free Will Baptist Church, gave the invocation, and Councilmember Sterling led the Pledge of Allegiance to the Flag.

PROCLAMATION OF ROBERT SEPULVEDA DAY - COUNCILMEMBER DAGES

PROCLAMATION OF SPENCER KENDIG REMEMBRANCE DAY - COUNCILMEMBER STERLING

The above proclamations were read and presented.

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(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed and convened in joint session with the Redevelopment Agency at the hour of 8:47 a.m.

APPROVE AGENCY MINUTES OF MARCH 4, 2003

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the Agency minutes of March 4, 2003, approved as submitted.

Agency Director Fitzpatrick reminded Council of a 2:30 p.m. appointment at the Downtown Club to join the Assistant Secretary of Commerce for Economic Development for a presentation on the construction of a 23,000 square foot downtown/central valley business incubator building project next to Butterfields Brewery.

(“A”) PRESENTATION OF INFORMATIONAL REPORT REGARDING CALIFORNIA AVENUE REVITALIZATION

Director Fitzpatrick and Councilmember Sterling made opening remarks, gave an overview of the issue, and spoke to the activities/developments at work in the California Avenue area, with Councilmember Sterling stating as this project is approved and completed others will begin to develop nearby.

The presentation was made by: Roger Palomino, EOC, who reviewed the EOC/LCC Neighborhood Youth Center Project; Redevelopment Administrator Murphey, pocket parks; Mike Berg, FUSD Facilities Director, the joint Agency/Edison High Athletic Fields improvement project; Ned Stacey, Executive Director, Housing Authority, housing projects; Ms. Murphey, ongoing alleyways revitalization; and Mr. Fitzpatrick, who reviewed the California Streetscape and Running Horse/Veterans Home projects.

Councilmember Sterling thanked RDA staff and the involved entities for their work and efforts, for partnering with the City, and for their commitment to west Fresno, and made a motion to accept the report and direct staff to work with the community and advisory groups and return to the Agency with various implementation steps as may be needed to carry out the action plan for the California Avenue project, which motion was seconded and later acted upon.

Barbara Hunt, 2475 S. Walnut, spoke in support of the EOC project, the need to establish correct boundaries in west Fresno, **(2 - 0)** and to the lack of and need for citizen input in the housing projects.

Discussion ensued with Mr. Palomino, Ms. Murphey and Mr. Fitzpatrick responding to questions and/or comments of Councilmember Perea, President Boyajian and Councilmember Calhoun relative to the EOC project, cost for pocket parks, need for pocket parks city-wide, support for partnering on housing, and if this was only informational and if staff was not asking for anything new at this time.

Councilmember Sterling stated it had taken partnering, leveraging and a long time to pull the projects together, recognized those involved from the community, and spoke to the town hall meetings she would be holding for the public benefit and to the need for everyone to work together. Chair Duncan stated this project clearly illustrated the Agency's commitment to the inner-city and using the redevelopment agency to make a real difference in people's lives, and added he would send a letter to the California and legislative delegation and the federal legislative delegation informing them how well the agency uses their funds and explained. Councilmember Sterling thanked Chair Duncan for his assistance and all his efforts.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the informational report hereby accepted and staff directed to work with the community and advisory groups and return to the Agency with various implementation steps as may be needed to carry out the action plan for the California Avenue project, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 9:39 a.m. and the City Council reconvened in regular session.

APPROVE CITY COUNCIL MINUTES OF MARCH 4, 2003

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of March 4, 2003, approved as submitted.

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APPROVE AGENDA:

Assistant City Manager Souza clarified closed session was set for 1:30 p.m. to allow Council to discuss one of the major issues prior to Council breaking for the event at the Downtown Club at 2:30 p.m.

(3:30 P.M. #2) (CONTINUED FROM 2:30 P.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-02-54 AND ENVIRONMENTAL FINDINGS, FILED BY DONABEDIAN & HANNAH ARCHITECTURE, PROPERTY LOCATED ON THE WEST SIDE OF S. DEARING BETWEEN E. HUNTINGTON AVENUE AND E. KINGS CANYON AVENUE (DISTRICT 5)

1. CONSIDER AND ADOPT FINDING OF CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-54 S-02-326

2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1 TO R-2

Continued to March 18, 2003, at 3:30 p.m. at the direction of Councilmember Dages.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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ADOPT CONSENT CALENDAR:

(1-B) AFFIRM APPOINTMENT OF SHERRY ALEXANDER TO THE NORTHEAST AREA COMMUNITY PLAN REVIEW AND IMPLEMENTATION COMMITTEE - COUNCILMEMBER DUNCAN

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Item 1-B hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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Clovis City Councilmember Magsig was recognized and welcomed.

(9:30 A.M.) SELECT PROPOSAL OF THE CENTRAL PRINTING DIVISION OF THE GENERAL SERVICES DEPARTMENT FOR COPYING AND PRINTING SERVICES - MANAGED COMPETITION (RFP NO. 8517)

General Services Director Nerland gave an overview of the issue as contained in the staff report as submitted and advised the Proposal Selection Committee was recommending Council select the proposal of the Central Printing Division and that staff be directed to implement the savings opportunities identified through the process. Committee Chair Patrick Weimiller, Assistant Public Works Director, gave an overview of the committee's evaluation process and conclusions arrived at.

Speaking to the issue were: Bruce Edmundson, Kinko's, Inc., Bakersfield, spoke to additional points of interest found with the RFP process; David Teasdale, Kinko's employee, 8405 N. Fisher, who spoke as a citizen and presented questions relative to the process/accounting; Barbara Hunt, 2475 S. Walnut, support for the committee's recommendation; and Alex Correa, FCEA business representative, support for the committee's recommendation.

Councilmember Calhoun commended staff for their good work, stated this did not go far enough and felt this would have been a perfect candidate to partner with Fresno County for efficiency, and questioned if staff talked with the County and if the process could be stopped to engage in discussions with them, with Mr. Nerland and Assistant City Manager Souza responding. Upon Councilmember Calhoun's request for a tray memo Mr. Souza stated staff would meet with the County and then provide a tray memo on how staff see's this process moving forward including partnering with Fresno County. **(3 - 0)** A motion and second was made to approve the staff/committee recommendation.

Councilmember Duncan pointed out "best practices" meant looking at a better way of doing business and did not always mean privatization, and thanked the committee and staff for doing a great job and for being competitive. Councilmember Sterling stated in these poor economic times it may be to the City's advantage to take a more aggressive step to educate/train employees on state of the art printing or communications processes as outside organizations do so the City can keep up. Councilmembers Dages, Perea and President Boyajian commented on the issue and/or presented questions relative to whether any employees would lose their jobs, how this would work for bulk copying, quality people in Central Printing and commendation to staff, request for assurance that no one will lose their job, who directed the RFP process, why this RFP did not take Council action as the solid waste RFP did, what action was being requested this date, why Council action was necessary since there was no change to the budget and the department was already funded, meaning of the committee's recommendation to award the contract for 3 years, why costs for copying alone and overall costs were divided, and Mr. Teasdale's comment on the budget discrepancy, with Mr. Nerland, Mr. Souza and City Attorney Montoy responding.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the proposal from the Central Printing Division of the General Services Department for copying and printing services hereby selected, in accordance with the Proposal Selection Committee's recommendations, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(10:00 A.M.) RESOLUTION NO. 2003-61 - AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF FRESNO WATER SYSTEM REVENUE REFUNDING BONDS, 2003 SERIES A; AUTHORIZING THE EXECUTION AND DELIVERY OF A THIRD SUPPLEMENTAL INDENTURE, OFFICIAL NOTICE OF SALE, AND OFFICIAL STATEMENT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

Finance Director/Controller Quinto reviewed the issue as contained in the staff report as submitted, and a motion and second was made to approve staff's recommendation to adopt the resolution.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Discussion ensued with Ms. Quinto, Jeff Bauer of Payne Webber, Assistant City Manager Souza and Public Utilities Director McIntyre clarifying issues and/or responding to questions of Councilmembers Perea, Dages and Acting President Castillo relative to where the savings would go, the 2021 term, reasons for leaving a \$3.5 million cushion, specifics relative to amount outstanding, final issuance, principal and payment, how the \$800,000 in savings would be reflected in next year's budget, original issuance amount and purpose, and if monies were every intended for installation of water meters/metering.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2003-61 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(10:15 A.M.) HEARING ON THE FORMATION OF UNDERGROUND UTILITY DISTRICT (UUD) NO. FRE-82, BARTON AVENUE BETWEEN DAKOTA AND HAMPTON WAY

1. RESOLUTION NO. 2003-62 - APPROVING THE FORMATION OF UUD NO. FRE-82

President Boyajian announced the time had arrived to consider the issue and opened the hearing, and Assistant Public Works Director Kirn gave a brief overview of the issue as contained in the staff report as submitted.

Speaking to the issue were: Dave Scott, representing SBC, who requested an agreement relative to the future vacation of Barton Avenue; and Barbara Hunt, 2475 S. Walnut, who expressed concern with street direction designations/boundaries.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

A motion and second to adopt staff's recommendation was made and acted upon after brief discussion with Mr. Kirn, City Attorney Montoy and Mr. Scott responding to questions of President Boyajian relative to whether staff could meet with SBC, if language relative to Mr. Scott's request could be included in the resolution, Ms. Montoy clarifying the vacation of Barton Avenue was not an issue this date, the proper legal process/procedure would occur if the City decides to vacate in the future, and if Mr. Scott was satisfied with staff's response.

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-62 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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RECESS - 10:45 A.M. - 11:01 A.M.

(10:20 A.M.) HEARING ON PLAN AMENDMENT NO. A-02-17, REZONING APPLICATION NO. R-02-30 AND ENVIRONMENTAL FINDINGS, FILED BY JOSE ALONZO, PROPERTY LOCATED THE NORTHEAST CORNER OF E. FLORADORA AND N. ARCHIE AVENUES - 4343 E. FLORADORA (DISTRICT 4)

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-02-17, R-02-30, S-02-220

2. **RESOLUTION NO. 2003-63** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN

3. **BILL NO. B-17 - ORDINANCE NO. 2003-16** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1 TO M-1/cz

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Beedle gave a brief overview of the issue as contained in the staff report as submitted, and a motion and second was made to approve staff's recommendation.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, expressed concern with the street directional designations/boundaries; and Patrick Alvidrez, representing the applicant, who stated he had nothing further to add and was open to any questions. Upon question of President Boyajian, Mr. Beedle advised the Roosevelt Committee's recommendations would be incorporated.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-02-17, R-02-30, S-02-220 dated December 27, 2002, hereby approved; the above entitled Resolution No. 2003-63 approving Plan Amendment No. A-02-17 adopted; and the above entitled Bill No. B-17 approving Rezoning Application No. R-02-30 adopted as Ordinance No. 2003-16, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(10:45 A.M.) RESOLUTION NO. 2003-64 - APPROVE ASSOCIATE MEMBERSHIP AGREEMENT WITH THE INDEPENDENT CITIES LEASE FINANCE AUTHORITY (ICLFA) AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO (ICLFA ISSUANCE OF BONDS ON BEHALF OF THE MILLENNIUM HOUSING CORPORATION FOR THE ACQUISITION OF THE WESTLAKE MOBILE HOME PARK)

Assistant Controller Bradley reviewed the issue as contained in the staff report as submitted.

Speaking to the issue were: George Kirk, President, Millennium Housing Corporation, support; Marge Hinckly, 288 E. Barstow, support; and Barbara Hunt, 2475 S. Walnut, who noted the agenda title did not reference a mobile home park.

Ms. Bradley, Assistant City Manager Souza, Mr. Kirk and City Attorney Montoy clarified issues and responded to questions of Acting President Castillo at length and President Boyajian relative to the Millennium Corporation, if this type of project was discussed with local developers, who performs due diligence on the issuance of bonds, Millennium being unable to issue bonds if the City does not join ICLFA, **(4 - 0)** who residents would turn to if Millennium does not perform, if City staff communicated with the agent for the bonds, if the city attorney's office had reviewed the issue/documents, if any developer could come forward and undertake the same type of project with the City being a ICLFA member, if the Millennium Corporation can acquire any other facility or building, if this was something that could be offered to local developers for downtown housing, and Westlake's amenities and what types improvements would be made.

On motion of President Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2003-64 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(11:00 A.M.) DISCUSSION AND ACTION REGARDING THE HIGH UNEMPLOYMENT RATE IN THE CITY OF FRESNO - COUNCILMEMBER CALHOUN

1. RESOLUTION - DECLARING AN "UNEMPLOYMENT STATE OF EMERGENCY" IN THE CITY OF FRESNO

Councilmember Calhoun stated the issue was extremely important and he felt it was time for Council to address it; elaborated on the problem of unemployment, what it contributes to, and the direct correlation it has with the level of a community's quality of life; recommended, if the resolution is adopted, that a joint letter be issued by the Council President and Mayor Autry and sent to the state and federal officials along with letters of support from the community; recognized the Mayor's and Supervisor Arambula's joint initiative for 25,000 jobs in the next five years; requested, and the city clerk read, the resolution into the record; and made a motion to adopt the resolution, which motion was seconded by Councilmember Duncan.

Speaking to the issue were: Deputy Mayor Montero, support; Gloria Torrez, who stated transportation was a key component and was missing, and spoke to the need to hear from the unemployed; and Barbara Hunt, 2475 S. Walnut, who spoke to the City being the second largest employer and should hire more employees.

Councilmember Duncan shared statistics, stressed the status quo was unacceptable, stated this was doable and required a major commitment, and added he had not heard of this being done anywhere else and emphasized the resolution was a start. Councilmember Perea spoke in opposition emphasizing business parks and infrastructure was what was needed, and stated the resolution would not bring the city any closer to a special designation or to jobs and he felt there was no point to it. Acting President Castillo also spoke in opposition stating the City needed to "get our house in order" before going to the State, recommended this issue be scheduled with the upcoming job summit, spoke to making decisions for other county cities (whereupon Councilmember Calhoun raised a point of order and clarified the resolution pertained only to the city of Fresno), and referenced a fax received from the Fresno County Office of Education and stated the entire state was in a crisis.

Councilmember Sterling spoke in support of the resolution stating the City had to take an aggressive position, health and public safety were at stake, and the city was in an emergency situation and elaborated; acknowledged the resolution might be extreme but stated at least the City was coming out of the box; and **(5 - 0)** requested unanimous support from the Council and for everyone to start working together. President Boyajian stated every year he asks when the City is going to spend money on economic development stressing the City needs to compete and invest in economic development, and stated the federal government knows Fresno is in a state of disaster and the resolution was a great idea but he also did not see it doing anything. Councilmember Dages spoke to what the resolution did not do, stressed everyone wanted jobs but he did not believe supporting the resolution would resolve any of the issues facing the city this date, spoke to specifics of the resolution and stated he would not support it as it did not create a solution, and stated he was doing his job and creating jobs by how he voted on issues this date and how he would vote in the future. Councilmember Duncan stated the resolution did create a solution and elaborated, and stated he hoped those opposed would reconsider their position.

City Manager Hobbs stated Fresno suffered from structural unemployment that was almost permanent and the numbers were so high it was a national disgrace, and suggested any and all tactics that support economic development be executed by the City or state as a government that unemployment is one of its top priorities so at least it would be on the radar screen in Sacramento and Washington adding this resolution would do that.

Councilmember Calhoun stated he was shocked at the comments, embarrassed as a council member that issues so small and petty would be brought up when trying to deal with something so serious and that the resolution would be picked apart because it did not have all the answers, and reiterated he was extremely disappointed as he thought there would be unanimous support and he was hearing hypocrisy.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to adopt the above entitled Resolution failed, by the following vote:

Ayes : Calhoun, Duncan, Sterling
Noes : Castillo, Dages, Perea, Boyajian
Absent : None

LUNCH RECESS - 12:17 P.M. - 1:30 P.M.

(1:30 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: CITY OF FRESNO V. BUREAU OF RECLAMATION

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, ET A L. (LENNAR FRESNO, INC.)
2. SCOUT ISLAND INVESTORS V. CITY OF FRESNO, U.S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, CASE NO. F-00-5532

The City Council met in closed session in Room 2125 at the hour of 1:30 p.m. to consider the above issues and reconvened in regular open session at 1:50 p.m. with Acting President Castillo absent.

(3-A) * BILL NO. B-16 - ORDINANCE NO. 2003-17 - AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO THE MAINTENANCE AND SECURITY OF VACANT BUILDINGS

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Ordinance No. 2003-17 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : Castillo

(5-A) DIRECT THE CITY MANAGER TO BRING TO COUNCIL FOR APPROVAL ANY REVISIONS OF THE FY 2003-2004 MASTER FEE SCHEDULE (MFS) BEFORE THE INTRODUCTION OF THE FY 04 BUDGET. INTRODUCTION OF THE PROPOSED FY 04 MFS SHOULD BE AT LEAST TWO WEEKS BEFORE IT NEEDS APPROVAL AND SHOULD LIST SEPARATELY ANY FEES PROPOSED FOR CHANGE - COUNCILMEMBER DUNCAN

Councilmember Duncan advised he was told the Mayor's Charter rights indicate the earliest this could come out was at the time of introduction of the budget, which was May 1st, and amended his direction that any revisions be brought to council *at the time of* introduction of the budget, instead of *before* introduction.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the city manager directed to bring to Council for approval any revisions of the FY 2004 Master Fee Schedule *at the time of* the introduction of the FY 04 budget, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : Castillo

(5-C) REQUEST CITY MANAGER TO EXECUTE ENABLING DOCUMENTS TO FACILITATE COMMENCEMENT OF CONSTRUCTION OF A HOME DEPOT PROJECT IN SOUTHEAST FRESNO - COUNCILMEMBER DAGES

Request withdrawn by Councilmember Dages who advised the matter was getting resolved and commended City Manager Hobbs for his assistance.

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RECESS - 1:56 P.M. - 3:34 P.M. All members were present.

(3:30 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2003-65 - AUTHORIZING AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A LOCAL GOVERNMENT WASTE TIRE CLEAN-UP GRANT, AND AUTHORIZE THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY

Councilmember Dages advised he pulled the item for a couple of corrections to the grant application and upon request Neighborhood Services Specialist Miller submitted copies of the corrected application and advised the grant amount was improved to \$182,863 and there was a change in the applicant's address (from Fred Burkhardt to Nick Yovino).

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-65 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(1-C) AUTHORIZE SALE OF SURPLUS MISCELLANEOUS COMPUTER EQUIPMENT TO COMPUTER MANIA, INC.

Councilmember Perea questioned why the surplus equipment could not be donated to schools and made a motion to donate the equipment, which was seconded by Councilmember Sterling. CIO/Information Services Director Hendricks clarified the equipment was old, dilapidated, and would only be useful to another technology group who would take the time and invest in rebuilding. Upon further question of Councilmember Perea Mr. Hendricks stated none of the equipment in the mix could be used by the schools as is, whereupon Councilmember Perea withdrew the motion to donate.

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the miscellaneous redundant computer equipment declared surplus to the City's needs, and the sale of surplus computer equipment, which is non-functioning and cannot be repaired due to lack of parts availability, to Computer Mania, Inc., for \$2,894 hereby authorized, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(1-D) CONSIDER APPROVAL OF AN AMENDMENT TO THE 2002-2003 ANNUAL ACTION PLAN (CDBG)

Councilmember Sterling stated her concern was the deletion of the \$100,000 for the senior center improvements, with Housing Director Hussman reviewing the three items at issue and clarifying the senior funds would remain in the budget and in the Annual Action Program for further consideration in the future, and requested that item be deleted from the amendment. Mr. Hussman, Controller Quintero, and Assistant City Manager Souza further clarified issues and responded to questions of Councilmember Sterling on the funds, the CURE and survey projects, how to get the senior funds designated for improvements, suggestions being available from the Council and groups, and what improvements were planned for the center and if a decision could be made this date on where to use the funds. Mr. Souza requested suggestions for the use of the funds be submitted to Housing and staff would report back on the identified dollars and the best use of funds.

Speaking to the issue were: Mrs. Persons, who requested those involved with the senior center be allowed to be heard and added she wanted to meet with Council on the center's needs and what was going on, with Mr. Hussman stating he would meet with representatives on what could and could not be done; and Kim Keeler, Fresno Madera Agency on Aging, who stated

she could assist Council with issues relative to what it would take to finish the center and what programs are needed.

Councilmember Perea requested staff report back with different options for Council to consider.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the amendment to the FY 2002-2003 Annual Action Plan for inclusion in the FY 2002-2003 Annual Action Plan hereby approved, as amended, by deleting the Senior Center Improvement in the amount of \$100,000 from the recommendation, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(1-E) RESOLUTION NO. 2003-66 - CONTINUING RESOLUTION NO. 2003-44 PROCLAIMING A LOCAL EMERGENCY RELATING TO THE FIRE AT ARCHIE CRIPPEN EXCAVATION IN THE VICINITY OF MARKS AND NEILSEN AVENUES

Barbara Hunt, 2475 S. Byrd, expressed concerns with the task force, allowing trucks to continue to drop off materials, and health issues, with Councilmember Sterling stating the plant had been shut down, all questions and concerns had been addressed, and she would give Ms. Hunt the contact person from the Health Department so she could address her concerns.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2003-66 hereby adopted, by the following vote;

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None (6 - 0)

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(3:45 P.M.) APPROVE AMENDED TRANSITION PLAN OF THE CITY OF FRESNO PUBLIC WORKS DEPARTMENT RELATIVE TO THE INSTALLATION OF CURB RAMPS/CURB CUTS

City Manager Hobbs and Deputy City Manager Haynes gave an overview of the issue including ADA law, City compliance, a related settlement arrangement, and the transition plan to construct more curb ramps than has been done in the past, with Mr. Haynes recommending Council approve the plan and clarified Council would determine the appropriate budget limits each fiscal year. City Attorney Montoy further clarified the amended transition plan had other aspects but at issue this date was the curb ramps, stated the plan met all legal requirements of ADA law and the settlement agreement and went through the proper hearing process noting this was the final hearing, and responded to questions of President Boyajian relative to whether staff's proposal was the settlement and if the settlement agreement would have to be amended. Jim Betts, City legal counsel on the Clayton Turner case, spoke to and clarified issues relative to the ADA, the transition plan, curb cuts, and the Turner case.

Ed Eames, PhD., 3376 N. Wishon, ADA Advisory Committee, requested a minimum mandate of 600 curb ramps a year with a target date of 2010, and submitted language to that effect requesting it be made part of the plan. The following spoke in support of Mr. Eames' request and/or to related issues: William Milton, Sr., 1307 N. Calaveras; **Note - due to equipment malfunction, the following proceedings were not tape recorded:* Samuel Weiner, 1718 W. Shaw #B; Grace Young, 5394 W. Fedora, who also spoke to the requirement for sidewalks on both sides of the street and to a Cambridge Homes subdivision being built with sidewalks on only one side; *Recording resumes here:* Ms. Lee, Center for Independent Living, 3475 W. Shaw #101; John Ramirez, P.O. Box 4036; Marilyn Jost, Vice Chair, ADA Advisory Council, 577 S. Peach; Barbara Hunt, 2475 S. Walnut; Vidal Medina, ADA Advisory Council, 8252 N. Price; Annette Carter, 1201 Scott #129; Jose Luis Barraza, Community for Independent Living, 4243 E. Thomas; Sophia DeWitt, 3862 N. Wilson; and Gloria Torrez, who also spoke to the need for sidewalks and lights for safety and questioned where the carryover monies from all departments went as they were supposed to go to ADA and neighborhoods per ex-Council President Perea.

President Boyajian read into the record a letter addressed to Councilmember Dages from Clayton Turner in support of curb cuts and requesting at least 500 curb cuts yearly.

Upon question of Councilmember Perea, Ms. Montoy stated there was no guarantee in the settlement agreement that all curb cuts would be completed by 2010, and along with City Manager Hobbs responded to questions/comments relative to how the 2010 date came about **(7 - 0)**, and there being a need to do 600 curb cuts a year if 2010 was a definite target date. Councilmember Perea stated the City needed to make a commitment for 600 and advised he would not support the transition plan as it stood now. Councilmember Duncan stated he was offended by some speakers' comments implying this Council would back off on their commitment to curb cuts stating this Council was not a group that needed to be convinced of the need; stated he did not feel guaranteeing a certain number was a real big issue as the curb cuts would get done by 2010 if not sooner; clarified this Council in the next few years would not waiver in their commitment but the reality was future Councils could do whatever they choose to do whether a guarantee was there or not; and stated what staff was proposing was reasonable and would get the curb cuts done and made a motion to approve staff's recommendation, with the understanding his commitment has not wavered. Acting President Castillo stated the number of curb cuts done to date would not have occurred if it had not been for the lawsuit; spoke to the serious safety issue of sidewalk deterioration and stated Council not only needed to make a commitment for curb cuts but also needed to make an ongoing commitment to repair every sidewalk in the city and elaborated, and requested staff address Ms. Young's comment about the Cambridge tract with one sidewalk, with Interim Public Works Director Esquivel stating staff would look into it.

Councilmember Calhoun seconded Councilmember Duncan's motion, and Acting President Castillo stated an alternative motion was needed if the original one failed stating something was needed in writing. Ms. Montoy clarified at issue was the transition plan's language on Page, 2, fifth sentence of the last paragraph, stating: *"As a result, if current annual funding levels remain available, it is estimated that the City will install approximately 600 curb ramps annually..."*; advised the proposal by Mr. Eames read: *"Based on the current estimate of 4,200 corners in the city requiring ramps to comply with the Americans with Disabilities Act, the public works department commits itself to a minimum installation of 600 ramps or cuts per year. If all 4,200 corners are installed before 2010, the remaining allocation can be used for other ADA compliance projects."*, and recommended Mr. Eames' language be used and changed as follows: (1) replace *"the public works department commits itself"* to *"the City commits itself"*; (2) at the end of *"...600 ramps or cuts per year."*, delete the period and add *"and thereby complete the construction of needed curb ramps by 2010."*; and (3) delete the last sentence, with Ms. Montoy stating it was not necessary as the City was not allocating money for the next seven years.

Discussion continued. Councilmember Sterling spoke in strong support of curb ramps citing the Andrew Mitchell incident and his inability to use a corner near his home to go to school in his wheelchair; advised she had conducted research on the issue and guaranteed the curb cuts would get done; and spoke in support of the alternative wording stating she hoped Councilmember Duncan would accept it. Councilmember Dages stated he would like to have all curb cuts done now; spoke briefly to Mr. Turner's settlement of 300 curb cuts; and spoke in support of the alternative wording stating the City needed to commit adding if it was not in writing it would not mean anything. Upon question of Councilmember Duncan, Mr. Eames stated he supported the city attorney's recommended motion, whereupon Councilmember Duncan amended his motion to add the city attorney's recommendation.

Brief discussion ensued with Mr. Eames speaking to the need for staff oversight on sidewalk construction and carrying out policy; Councilmember Calhoun seconding the new motion; Councilmember Duncan speaking briefly to the need for oversight from all and to how things can change in the future; Planning & Development Director Yovino speaking to the sidewalk policy and possible reasons for sidewalks on one side of the street and advising staff would check the location mentioned by Ms. Young; and Acting President Castillo stating City staff is well paid and the community should not be asked to insure the City is doing its job.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Amended Transition Plan for the City of Fresno Public Works Department hereby approved, as amended, by changing the wording of the fifth sentence of the last paragraph of Page 2 of the Amended Plan, as verbalized above, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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Briefly reviewed by Councilmember Perea who made a motion to adopt the resolution, and advised, if approved, he would go and testify in front of the CARD on behalf of the City urging that they vote and insure they keep the same restrictions that they have now and explained. Upon question of President Boyajian, Councilmember Perea clarified the resolution was requesting the CARB to not modify the ZEV/not make amendments/keep the program as is. The motion was seconded and acted upon after brief discussion.

Speaking to the issue were: Gloria Torrez, who noted the resolution talked about only hybrids and stated all alternatives were needed and vehicles could be retrofitted; and Barbara Hunt, 2475 S. Byrd.

Councilmember Calhoun stated this was a complicated issue and advised he received a 27 page report just yesterday, and requested the matter be laid over one week so he could review the material and look into the issue in more detail, with Councilmember Perea not agreeing to the request. Councilmember Calhoun stated this was half-baked legislation and not the kind of thing the City Council should be addressing especially when it does not get the full facts. Councilmember Duncan spoke in support of laying the matter over, stated this was not an issue of evil automakers profiting off the valley's air but was about providing an opportunity for more low emission vehicles in the valley and state than what currently existed and elaborated, and made a motion to table the matter one week.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to table the matter one week failed, by the following vote:

Ayes	:	Calhoun, Duncan, Boyajian
Noes	:	Castillo, Dages, Perea, Sterling
Absent	:	None

Acting President Castillo stated this was about putting some pressure on the auto industry as in past they have been given extension after extension in putting out hybrid vehicles to help reduce air emissions, stated the changes by the CARB were another tactic to continue to prolong the agony, and stated it was time to send Councilmember Perea to speak before the CARB and advise them what the central valley's feeling was relative to the auto industry failing to meet those standards. Upon request of Councilmember Sterling, Councilmember Perea advised of the research he conducted on the issue, with Councilmember Sterling stating she has learned to trust a lot of the judgment/comments/recommendations of her colleagues adding one of the first things Councilmember Perea did when he came on board was take on the issue of air quality.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2003-67 hereby adopted, by the following vote:

Ayes	:	Castillo, Dages, Perea, Sterling, Boyajian
Noes	:	Calhoun, Duncan
Absent	:	None

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:40 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

APPROVED on the 18th day of March, 2003.

ATTEST:	
Tom Boyajian, Council President	Yolanda Salazar, Assistant City Clerk